91 (Rev. 11/11) Criminal Complaint

FILED IN OPEN COURT
9/10/2015
CLERK, U. S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE, FLORIDA

# UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America
v.

JOSHUA RYNE GOLDBERG

*Defendant(s)*

Case No. 3:15-mj-1170-J-JRK

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 8/19/15 through and including 8/28/15 in the county of Clay in the Middle District of Florida, the defendant(s) violated:

| *Code Section* | *Offense Description* |
|---|---|
| Title 18, United States Code, Section 842(p) | Distribution of information relating to explosives, destructive devices, and weapons of mass destruction |

This criminal complaint is based on these facts:

See Attached Affidavit

☑ Continued on the attached sheet.

*Complainant's signature*

William J. Berry, Jr., Special Agent

*Printed name and title*

Sworn to before me and signed in my presence.

Date: 9/10/15

*Judge's signature*

City and state: Jacksonville, Florida

Honorable James R. Klindt

*Printed name and title*

## AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, William J. Berry Jr, being duly sworn, state as follows:

## INTRODUCTION

1. I am a Supervisory Officer with U.S. Customs and Border Protection and have been so employed since March 1993. Since March 2010 I have been assigned to the Federal Bureau of Investigation (FBI), Northeast Florida Joint Terrorism Task Force (JTTF) where I conduct a variety of investigations in the area of counterterrorism. In the performance of my duties, I have investigated and assisted in the investigation of matters involving violations of federal law related to domestic terrorism, international terrorism, weapons of mass destruction, and bombing matters. I have been involved in searches pertaining to the possession, purchase, manufacture, and/or distribution of weapons of mass destruction and explosive materials through the execution of search warrants. I have conferred with colleagues who have received specialized training from the FBI in investigating crimes related to bombing matters.

2. I have investigated and assisted in the investigation of criminal matters involving explosives and other weapons of mass destruction, including the distribution of information relating to explosives, destructive devices, and weapons of mass destruction in violation of 18 U.S.C. § 842(p).

3. I submit this affidavit in support of a criminal complaint for Joshua Ryne Goldberg (Goldberg) charging him with a violation of the illegal distribution of information relating to explosives, destructive devices, and weapons of mass destruction, namely that on or about August 19, 2015 through and including August 28, 2015, in Clay County, in the Middle District of Florida, Goldberg distributed information pertaining to the manufacturing of explosives, destructive devices, or weapons of mass destruction in furtherance of an activity that constitutes a Federal crime of violence by

sending to a person five website links for websites that provided instructions that could be utilized to construct or make explosives, destructive devices, or weapons of mass destruction, as part of a plot to explode a bomb on September 13, 2015 at a memorial ceremony in Kansas City, Missouri that commemorates the terrorist attacks of September 11, 2001, in violation of Title 18, United States Code, Section 842(p).

4. The statements contained in this affidavit are based in part on my personal knowledge as well as on information provided to me by other law enforcement officers and civilians. This affidavit is being submitted for the limited purpose of securing a criminal complaint, and I have not included each and every fact known to me concerning this investigation. I have set forth only the facts which I believe are necessary to establish probable cause to believe a criminal violation of 18 U.S.C. § 842(p) has been committed.

## STATUTORY AUTHORITY

5. This investigation concerns alleged violations of 18 U.S.C. § 842(p), relating to the illegal distribution of information relating to explosives, destructive devices, and weapons of mass destruction. Based upon my training and experience, I know the following:

a. 18 U.S.C. § 842(p) in pertinent part prohibits a person from teaching or demonstrating the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, with the intent that the teaching, demonstration, or information is to used for, or in furtherance of, an activity that constitutes a Federal crime of violence.

b. 18 U.S.C. § 841 in pertinent part defines the term "explosives" as any chemical compound mixture, or device, the primary or common purpose of which is to function by explosion; the term includes, but is not limited to, dynamite and other high explosives, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, and igniters.

c. 18 U.S.C. § 921 in pertinent part defines the term "destructive device" as (a) any explosive, incendiary, or poison gas to include a bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or device similar to any of the devices described in the preceding clauses; (b) any type of weapon (other than a shotgun or a shotgun shell which the Attorney General finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and (c) any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (a) or (b) and from which a destructive device may be readily assembled.

d. 18 U.S.C. § 2332a in pertinent part defines the term "weapon of mass destruction" as a) any destructive device as defined in section 921 of Chapter 44; b) any weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors; c) any weapon involving a biological agent, toxin, or vector; and d) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.

e. 18 U.S.C. § 16 defines a crime of violence as (1) an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or (2) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

**ISLAMIC STATE OF IRAQ AND THE LEVANT**

6. On October 15, 2004, the United States Secretary of State designated al-Qa'ida in Iraq (AQI), then known as Jam'at al Tawhid wa'al-Jihad, as a Foreign Terrorist Organization (FTO) under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist under section 1(b) of Executive Order 13224.

7. On May 15, 2014, the Secretary of State amended the designation of al-Qa'ida in Iraq (AQI) as a Foreign Terrorist Organization under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant (ISIL) as its primary name. The Secretary also added the following aliases to the ISIL listing: the Islamic State of Iraq and al-Sham (ISIS), the Islamic State of Iraq and Syria (ISI), ad-Dawla al-Islamiyya fi al-'Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furqan Establishment for Media Production. Although the group has never called itself "Al-Qaeda in Iraq (AQI)," this name had frequently been used to describe it through its history.

8. Based on my training and experience I know that the Islamic State of Iraq and the Levant (ISIL) and its supporters' innovative use of social media and on-line messaging has played a key role in motivating young US-based persons to travel to join the self-declared "Islamic State" or allegedly attempt to conduct attacks in the US on behalf of ISIL.

## BACKGROUND OF INVESTIGATION AND FACTS ESTABLISHING PROBABLE CAUSE

9. The FBI Joint Terrorism Task Force is investigating JOSHUA RYNE GOLDBERG as a suspect involved in the illegal distribution of information relating to explosives, destructive devices, and weapons of mass destruction, in violation of Title 18, United States Code, Section 842(p).

10. I reviewed open source[1] news articles describing the attack at the "Muhammad Art Exhibit and Contest" on May 3, 2015 in Garland, Texas. Based on this review I learned that on May 3, 2015 the "Muhammad Art Exhibit and Contest" was held at the Curtis Culwell Center in Garland, Texas. During the event, two armed gunmen, in a dark-colored sedan, approached a police patrol car that had blocked their entrance to the event. The two gunmen, later identified as Elton Simpson and Nadir Hamid Soofi, stopped their sedan, stepped from their vehicle and opened fire on a police officer and a security officer, using the back of the car as cover. Elton Simpson and Nadir Hamid Soofi wore body armor and fired assault rifles at the officers. Police officers shot and killed both men. Following the attack, the Islamic State of Iraq and the Levant (ISIL) also known as the Islamic State of Iraq and Syria (ISIS) claimed responsibility for the attack

1 The term "reviewed open source" refers to reviewing public documents that were located online through Internet searches.

in its news bulletin. ISIL identified the two gunman as "two soldiers from the soldiers of the Caliphate."

11. I also reviewed open source reports from Australian and UK media outlets that discussed the Garland, Texas attack. Based on my review, I determined that prior to the attack, Twitter user "Australi Witness" posted tweets calling for an attack on the Muhammad Art Exhibit and Contest in Garland, Texas. The media outlets also reported that Twitter user "Australi Witness" posted a map of the Curtis Culwell Center prior to the attack and urged anyone in the area to attack "with your weapons, bombs, or knives."

12. I reviewed open source documents that showed communication from Twitter user "Australi Witness" in reference to the Garland, Texas attack. Based on my review I determined that on or about May 3, 2015, Twitter user "Australi Witness" used Twitter screen name "@AusWitness3" to tweet, "I'M BACK KUFFAR! DIE IN YOUR RAGE!" On the morning of the attack in Garland, Texas, attacker Elton Simpson, using Twitter handle @atawaakul with screen name "Shariah is Light" retweeted the "Australi Witness" message. Based on my training and experience, I know that "kuffar" is an Arabic term that refers to non-Muslims or non-believers and that the term is used by Islamic extremists as a derogatory term for non-Muslims.

13. I conducted an open source internet search on August 26, 2015 for "Australi Witness" which revealed a website at http://justpaste.it/auswitness. I reviewed the JustPaste.it website (http://justpaste.it/jpabout) and determined that JustPaste.it is a website that allows users to paste text and distribute the resulting link. Open source internet searches regarding the website also revealed that supporters of ISIL used the website to publish a threat to Twitter employees who had repeatedly shut

down ISIL-link Twitter accounts. ISIL also used this website to publish a list of names and addresses of US military personnel. I reviewed the referenced website at http://justpaste.it/auswitness and it contained a statement dated June 9, 2015, portions of which are quoted verbatim below:

> Hello, this is Australi Witness. You might know me for inspiring the attacks in Garland, Texas, where two mujahideen entered an event mocking the Prophet Muhammad (PBUH) with intent to slaughter the kuffar in it. When I encouraged the attacks in Texas, my biggest inspiration was the Australian Muslim human rights activist...[M.V.]..., who has worked tirelessly and diligently to outlaw blasphemy against Islam in Australia. Any true Muslim knows that blasphemy against the Prophets of Allah (SWT) is a capital crime which cannot be tolerated under any circumstances, and...[M.V.'s]...work has provided me with a great deal of inspiration. All who defame the Prophet (PBUH) must be crushed....
>
> Recently, I have met two mujahideen online - one in Los Angeles and one in Melbourne - and I have successfully encouraged them to carry out jihad in their respective cities. Both of these mujahideen will, using guns, shoot up local synagogues when the maximum amount of Jews are praying. The entire thing was my idea, and I helped them every step of the way. I gave them the idea in the first place, I pointed them to local synagogues, I provided them with copious amounts of encouragement, and I

helped them coordinate the attacks. All of this was done over the Internet.

For those wondering about me: I currently live in Perth. I came to Australia as a refugee from Lebanon, and my parents are coconuts who have no idea of my involvement with jihad.

For many years, I worked at .... In my last year working at ..., I met some Muslim brothers who introduced me to the Islamic State. I was immediately enamoured with the Islamic State's ideology, and I quickly became a mujahid. After becoming a mujahid, I have dedicated my life to striking fear into the hearts of the kuffar and coordinating acts of jihad around the world.

I cannot disclose where I currently work, but it is a respected human rights organisation much like .... I present myself as a moderate in real life, and the police have absolutely no idea who I am. I am widely upheld as a pillar of my community, and nobody would EVER suspect me for anything. You have no chance of finding me....

To the Jews: you killed the Rasul (SAW) and he died a Shaheed. Any Muslim who truly loves the Prophet (PBUH) will engage in jihad against Jews in order to avenge his death. The Jews are the worst enemies of Allah (SWT). When Islam conquers Australia, every single Jew will be slaughtered like the filthy cockroaches that they are.

> Finally, I would like to state with absolute authority ... is a religion of violent conquest. ... Australia's defeat ... is inevitable. The more you try to fight it, the harder it will be for you. Give up and accept your future as an Islamic nation - a member of the global Islamic caliphate that the Islamic State will create....
>
> I have a vast network of mujahideen around the world, and I will continue to inspire and coordinate jihad attacks around the world. There is absolutely nothing that you can do to stop me. I am an expert in computer security who uses multiple proxies, and I am also an expert in Australian law due to my extensive work with human rights organisations. Chase me all you want, but you will never find me, and you will also never stop the wrath of Allah (SWT) on the decadent West.
>
> Perish in your rage, kuffar!

14. Based on a review of FBI records I determined that beginning on July 26, 2015, a FBI confidential human source (CHS) at the direction of the FBI exchanged messages with an individual using the name AusWitness on a direct messaging application. The individual was unknown to the CHS, but of interest to the FBI. Since the exchange of messages that started on July 26, 2015 the CHS and AusWitness have communicated nearly every day and continue to communicate on an almost daily basis. The communications are received by the FBI, reviewed, and documented. I reviewed all of the communications in preparing this affidavit. What is contained in this affidavit are portions of certain conversations between the CHS and AusWitness that took place on a direct messaging application, unless otherwise indicated. On July 26, 2015 through

July 28, 2015, AusWitness stated, in substance and among other things, that he was attempting to get an individual in Melbourne, Australia to carry out a terrorist attack. Listed below are portions of the conversation:

| | |
|---|---|
| *July 26, 2015* | *06:57* |
| *CHS -* | *A salaam alaikum brother* |
| *July 26, 2015* | *22:04* |
| *AusWitness -* | *Salaam, brother. What's up?* |
| *July 27, 2015* | *06:51* |
| *CHS -* | *Nothing much ahki. It's nice to talk with you. You've gotten kind of famous lately lol *SMILE** |
| *July 27, 2015* | *19:41* |
| *AusWitness -* | *Really? Where am I famous?* |
| *July 28, 2015* | *15:07* |
| *CHS -* | *I read a news article after garland and it had your name in it* |
| *July 28, 2015* | *15:08* |
| *CHS -* | *So I said Alhamdulillah maybe we can chat *Smile** |
| *July 28, 2015* | *22:02* |
| *AusWitness -* | *Yes, the kuffer media did cover me after Garland* |
| *July 28, 2015* | *22:04* |
| *AusWitness -* | *Right now, I'm trying to get a mujahid in Melbourne to carry out jihad, but he keeps delaying it. He has a gun already, but he insists on making a video message to the kuffar with a black shahada flag. He also insists on getting his friend to carry out jihad with him. I am afraid he'll get caught before he can do it.* |

15. As referenced above a FBI CHS is communicating on-line with an individual using the name AusWitness. As outlined in paragraph #13, an open source internet search for "Australi Witness" revealed a website at http://justpaste.it/auswitness.

The name of the website was http://justpaste.it/auswitness. The beginning part of the content on the website states "Hello, this is Australi Witness. You might know me for inspiring the attacks in Garland, Texas, where two mujahideen entered an event mocking the Prophet Muhammad (PBUH) with intent to slaughter the kuffar in it. When I encouraged the attacks in Texas ...." On July 28, 2015 while communicating with the CHS AusWitness stated "Yes, the kuffer media did cover me after Garland." Based on the similarities between the spelling of AusWitness and Australi Witness, the statements on the JustPaste.it website regarding the Garland attacks, and the July 28, 2015, statement by AusWitness regarding the Garland attacks, I believe that the Australi Witness referenced in paragraph 14 and 15 is the same individual that posted the content to http://justpaste.it/auswitness and that "Australi Witness" is also AusWitness.

16. AusWitness and the CHS also communicated between July 30, 2015 and August 1, 2015, during which AusWitness provided his Twitter account. A portion of the conversation is as follows:

*July 30, 2015 21:54*
*AusWitness - Are you in Australia, brother?*

*July 31, 2015 05:29*
*CHS - No, I'm in the states ahki*

*July 31, 2015 22:17*
*AusWitness - Did we speak to each other on Twitter, brother?*

*August 1, 2015 05:32*
*CHS - No what's your twitter?*

*August 1, 2015 22:27*
*AusWitness - Right now, it's @aussecret.*

17. I reviewed records provided by Twitter, Inc. to the FBI for Twitter screen name @AusSecret. Based on the review, I determined that Twitter screen name



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@AusSecret is associated with Twitter account id 3194951334 and was created on May 14, 2015. The records also listed an email address of bengarrison@mailinator.com associated with the account when it was created. The internet protocol (IP) for log-ins to this account showed that the account was accessed from IP address 76.106.245.93 eight times between May 14, 2015 and May 26, 2015:

Account ID: 3194951334
Created At: 2015-05-26 12:23:35 +0000
Last Login IP: 76.106.245.93

Account ID: 3194951334
Created At: 2015-05-25 04:31:50 +0000
Last Login IP: 76.106.245.93

Account ID: 3194951334
Created At: 2015-05-24 00:54:42 +0000
Last Login IP: 76.106.245.93

Account ID: 3194951334
Created At: 2015-05-21 11:19:47 +0000
Last Login IP: 76.106.245.93

Account ID: 3194951334
Created At: 2015-05-19 13:40:55 +0000
Last Login IP: 76.106.245.93

Account ID: 3194951334
Created At: 2015-05-18 07:07:58 +0000
Last Login IP: 76.106.245.93

Account ID: 3194951334
Created At: 2015-05-16 05:34:34 +0000
Last Login IP: 76.106.245.93

Account ID: 3194951334
Created At: 2015-05-14 11:04:27 +0000
Last Login IP: 76.106.245.93

18. I searched an online IP look-up service which revealed that IP address 76.106.245.93 is associated with Comcast Cable Communications, Inc. (Comcast Cable).

19. I reviewed records provided by Comcast Cable to the FBI for IP address 76.106.245.93 and also spoke to Comcast Cable personnel in reference to the records. The records involved the subscriber account information to include MAC addresses between May 16, 2015 and May 26, 2015 for IP address 76.106.245.93 at the following dates and times: 2015-05-16 05:34:34 +0000, 2015-05-18 07:07:58 +0000, 2015-05-19 13:40:55 +0000, 2015-05-21 11:19:47 +0000, 2015-05-24 00:54:42 +0000, 2015-05-25 04:31:50 +0000, and 2015-05-26 12:23:35 +0000.

20. Based on the review of the Comcast Cable records and dialogue with Comcast Cable personnel I determined that IP address 76.106.245.93 is assigned to R. Goldberg, the mother of JOSHUA RYNE GOLDBERG, at 3119 Pine Rd, Orange Park, Florida 32065, as the subscriber on the account. IP address 76.106.245.93 is assigned to R. Goldberg to include from May 16, 2015 through May 26, 2015 on the dates and times indicated in paragraph 27. As of September 4, 2015, the IP address remains assigned to R. Goldberg and was assigned to her from at least from May 16, 2015 up to and including September 4, 2015. The Comcast Cable account which includes high speed internet service is associated with among other email user id's "metropolisforever".

21. My review of communication that occurred between AusWitness and the CHS on August 5, 2015 and August 6, 2015, revealed that AusWitness told the CHS in substance that he (AusWitness) was concerned about his contact in Melbourne, Australia, as his contact had not communicated with him recently. AusWitness was worried that he (AusWitness) was responsible for the arrest of the Melbourne contact. AusWitness stated that he posted about his Melbourne contact on an internet discussion board for "muhajideen". Listed below are portions of the conversation:



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| | |
|---|---|
| *August 5, 2015* | *13:10* |
| *AusWitness -* | *If he was captured, it would be my fault. I mentioned him in a post on a discussion board for mujahideen. I feel so guilty about this. I am so worried about him.* |
| *August 5, 2015* | *13:11* |
| *AusWitness -* | *If the kuffar captured him with his gun, it would be on the news, right?* |
| *August 6, 2015* | *07:40* |
| *CHS -* | *I would assume?* |
| *August 6, 2015* | *07:42* |
| *CHS -* | *I don't know what to tell you bro* |
| *August 6, 2015* | *11:08* |
| *AusWitness -* | *The thread I posted about him was on 8ch.net/islamicstate. Do you think the kuffar could capture him just from that thread?* |

22. On August 14 and August 15, 2015, AusWitness and the CHS communicated and AusWitness again discussed his concern that his Melbourne contact had been arrested. During this timeframe a discussion began between the CHS and AusWitness about the planning of a terrorist attack. Listed below are portions of the conversation:

| | |
|---|---|
| *August 14, 2015* | *07:07* |
| *AusWitness -* | *I just can't get over this, akhi. The kuffar government could be torturing him for info right now, and all because I made the stupid mistake of talking about our plans on 8chan. If I find out he got caught because of me, I just don't know what I'll do. I feel like I have failed as a Muslim.* |
| *August 14, 2015* | *07:30* |
| *CHS -* | *Best to get that out of your head ahki. He knew the risks when he started planning. We all do.* |



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| | |
|---|---|
| *August 14, 2015* | *07:41* |
| *CHS -* | *Why Australia bro? Just curious. Are they as bad as the US?* |
| *August 15, 2015* | *00:37* |
| *AusWitness -* | *But, if I hadn't made a thread about our plans, he wouldn't have been caught. And yes, Australia is as bad as the US.* |
| *August 15, 2015* | *07:40* |
| *CHS -* | *But you don't know he's been caught.* |
| *August 15, 2015* | *20:26* |
| *CHS -* | *Where did you find him in the first place?* |
| *August 15, 2015* | *22:39* |
| *AusWitness -* | *I first met him on Twitter, but we never talked until he emailed me.* |
| *August 15, 2015* | *07:27* |
| *CHS -* | *I don't know what else to say ahki.* |
| *August 15, 2015* | *07:33* |
| *CHS -* | *Maybe we can put some more irons in the fire bro. I think we're on the same page as far as ideas go.* |
| *August 16, 2015* | *21:02* |
| *AW -* | *What do you mean, brother?* |
| *August 16, 2015* | *22:40* |
| *CHS -* | *Sounds like you're trying to do some planning Australia. I'm trying to do the same here. I have to get some sleep classes start again tomorrow but let's talk about this more tomorrow night* |
| *August 16, 2015* | *22:40* |
| *CHS -* | *Night for me anyway lol* |
| *August 16, 2015* | *22:40* |
| *CHS -* | *Salaam bro* |



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| | |
|---|---|
| *August 16, 2015* | *23:39* |
| *AW -* | *Salaam, brother.* |

23. AusWitness and the CHS continued their communication during August 17, 2015 through August 19, 2015 about terrorist attacks in the West. Listed below are portions of the conversation:

| | |
|---|---|
| *August 17, 2015* | *22:58* |
| *AusWitness -* | *Did you hear the kuffar media talking about how Islamic State mujahideen were supposed gonna blow up the Queen of England a few days ago?* |
| *August 17, 2015* | *22:59* |
| *CHS -* | *I heard something of it but didn't read much of it.* |
| *August 17, 2015* | *23:07* |
| *AusWitness -* | *I was actually really disappointed when it didn't happen. The UK needs a new 7/7. They kill our brothers and sisters all over the world.* |
| *August 17, 2015* | *23:08* |
| *CHS -* | *The UK is one of many that deserve it. We were supposed to have a few ops here on July 4 that didn't happen. It was so disappointing.* |
| *August 17, 2015* | *23:15* |
| *CHS -* | *Hey bro I'm going to bed. We'll talk more tomorrow. Hit me up in the day if you want maybe I'll be around. Salaam.* |
| *August 17, 2015* | *23:34* |
| *AusWitness -* | *Hopefully there will be some jihad on the anniversary of 9/11.* |
| *August 17, 2015* | *23:34* |
| *AusWitness -* | *Alright, brother, Salaam.* |

| | |
|---|---|
| *August 18, 2015* | *08:46* |
| *CHS -* | *We could probably figure something out. I learned a lot planning with the Syrian brother.* |
| *August 18, 2015* | *20:12* |
| *CHS -* | *Salaambro* |

24. On August 19, 2015, AusWitness indicated that he was agreeable to working with the CHS, as indicated below:

| | |
|---|---|
| *August 19, 2015* | *00:58* |
| *AusWitness -* | *That sounds good. What do you have in mind? Do you have any bombs ready?* |

After some additional communications about the individual in Melbourne being potentially arrested the CHS replied, as indicated below:

| | |
|---|---|
| *August 19, 2015* | *05:34* |
| *CHS -* | *I don't have any bombs. I don't know how to make them.* |

25. On August 19, 2015, AusWitness began asking CHS questions related to planning a terrorist attack. Listed below are portions of the conversation:

| | |
|---|---|
| *August 19, 2015* | *06:28* |
| *AusWitness -* | *What weapons do you have brother? I can send you guides on how to make bombs if you need help making them.* |
| *August 19, 2015* | *06:29* |
| *CHS -* | *I only have the one weapon but I do t think that is what Allah wants for me. I was arrested just before with the one weapon. Guides would be great ahki something bigger than just a gun attack alhamdulillah.* |
| *August 19, 2015* | *06:44* |
| *AusWitness -* | *Alright, akhi. I'm gonna send you some bomb-making guides on Twitter soon.* |
| *August 19, 2015* | *06:44* |
| *CHS -* | *Mashallah jzk bro* |

| | |
|---|---|
| *August 19, 2015* | *07:14* |
| *AusWitness -* | *Did you get my messages, akhi?* |
| *August 19, 2015* | *07:15* |
| *CHS -* | *Yes jzk looking through them now Ahki* |
| *August 19, 2015* | *07:18* |
| *AusWitness -* | *Let me now if you need any more, brother. I'll help as much as I can.* |

26. I reviewed a message that was sent on Twitter on or about August 19, 2015, from AusWitness, who used Twitter screen name AusSecret with account id 3194951334 to send the message to the CHS. Based on the review of the message I determined that AusWitness (using Twitter screen name AusSecret) stated:

Akhihere are some guides on how to make bombs:

After the colon, five website links that contained instructions on how to construct explosives, including pipe bombs or incendiary devices are listed. AusWitness concludes the message by stating:

Letme know if you need any more, brother.

27. As described more fully in paragraph 51, a review by the FBI Explosives Unit of the material listed on each of the five websites sent by AusSecret to the CHS on Twitter determined that the websites provided accurate instructions that could be utilized to construct or make explosives, detonators and improvised explosive devices.

28. I reviewed records provided by Twitter, Inc. to the FBI for Twitter screen name @AusSecret with account id 3194951334. Based on the review, I determined that on August 19, 2015, the IP for log-ins to this account showed that the account was accessed from IP address 76.106.245.93 two times. The timeframe of the access corresponds to the timeframe in which the CHS received the message from AusSecret

containing the five website links to bomb making instructions. As outlined above, IP address 76.106.245.93 is assigned to R. Goldberg at 3119 Pine Rd., Orange Park, Florida 32065.

29. I reviewed additional communication between AusWitness and the CHS on August 20, 2015. I determined that on August 20, 2015, AusWitness asked the CHS in substance what kind of attack the CHS wanted to carry out, and stated that he (AusWitness) was thinking of pipe bombs at a large public event. AusWitness later said that a pressure cooker bomb may be even better. When AusWitness learned that the CHS was located in the Midwest, AusWitness asked the CHS if he would be able to drive to Kansas City to carry out an attack. Listed below are portions of the conversation:

| | |
|---|---|
| *August 20, 2015*<br>*AusWitness -* | *07:03*<br>*Have you decided what kind of attack to carry out on 9/11, akhi? I was thinking a bombing.* |
| *August 20, 2015*<br>*AusWitness -* | *07:06*<br>*We could make pipe bombs and detonate them at a large public event.* |
| *August 20, 2015*<br>*CHS -* | *07:06*<br>*Yes I'm leaning towards that too. I've been getting excited about this. I've been having trouble with the planners in the dawlah who want me to just do a gun attack. But that doesn't seem big enough to bring true glory to Allah. Look at Chattanooga the kuff have already forgetten* |
| *August 20, 2015*<br>*AusWitness -* | *07:07*<br>*Exactly, brother. It needs to be big. Do you live in NYC? I'm in Perth. There are lots of places to target here.* |

| | |
|---|---|
| *August 20, 2015* | *07:07* |
| *CHS -* | *Do you know the directions you gave me work? I've never made a bomb before lol sorry* |
| *August 20, 2015* | *07:08* |
| *AusWitness -* | *They work, akhi. But a pressure cooker bomb might be even better. Let me ask one of my brothers in the dawlah for instructions.* |
| *August 20, 2015* | *07:10* |
| *CHS -* | *Ok, ahki.* |
| *August 20, 2015* | *07:13* |
| *AusWitness -* | *What city are you in, akhi? We need to find the best place to place the explosive.* |
| *August 20, 2015* | *07:13* |
| *CHS -* | *I'm in the Midwest the closest place is Kansas City if you're familiar* |
| *August 20, 2015* | *07:13* |
| *CHS -* | *But I can travel I'm just a student* |
| *August 20, 2015* | *07:14* |
| *AusWitness -* | *Alright, so will you be able to drive to Kansas City to carry out the attack?* |
| *August 20, 2015* | *07:14* |
| *CHS -* | *Yes Easily* |

30. I reviewed additional communication exchanged between AusWitness and the CHS on August 24, 2015 and determined that on August 24, 2015, AusWitness told the CHS that he (AusWitness) found the "perfect place" to target in Kansas City on September 11, 2015 and sent the CHS a link to kansascitystairclimb.com. Listed below are portions of the conversation:

| | |
|---|---|
| *Aug 24, 2015* | *00:56* |
| *AusWitness -* | *What did you think of the pressure cooker instructions?* |



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| | |
|---|---|
| *Aug 24, 2015*<br>*CHS –* | *08:30*<br>*Yeah that makes sense. What kind of targets are you thinking? How will we publicize it too* |
| *Aug 24, 2015*<br>*AusWitness –* | *08:36*<br>*Where will the most people be in Kansas City on 9/11? That's where we need to target.* |
| *Aug 24, 2015*<br>*CHS -* | *08:37*<br>*No ideal I'm about an hour west* |
| *Aug 24, 2015*<br>*CHS -* | *08:37*<br>*I don't go that often* |
| *Aug 24, 2015*<br>*AusWitness -* | *08:42*<br>*I found the perfect place. Go to kansascitystairclimb.com.* |
| *Aug 24, 2015*<br>*CHS –* | *08:43*<br>*Yes that's perfect I'm looking at it.* |
| *Aug 24, 2015*<br>*CHS -* | *08:46*<br>*Alhamdulillah* |
| *Aug 24, 2015*<br>*AusWitness -* | *08:49*<br>*Do you have the bomb ready,akhi?* |
| *Aug 24, 2015*<br>*CHS -* | *08:51*<br>*No I haven't even started getting materials* |
| *Aug 24, 2015*<br>*AusWitness -* | *08:55*<br>*Be careful, brother. Don't buy all the materials at once or the kuffar will know you're up to something. Buy them at different stores.* |
| *Aug 24, 2015*<br>*CHS -* | *10:24*<br>*Yeah that's what I was thinking* |

31. My review of the website showed that the Kansas City Stair Climb is a memorial event where firefighters from the Kansas City region and members of the community participate in a stair climb to honor New York City's first responders who were killed in the September 11, 2001 attacks. Although the event is a memorial for New York City's first responders who were killed in the September 11, 2001 attacks, the actual date of the memorial event in Kansas City is September 13, 2015 according to my review of the website.

32. I reviewed additional communication between AusWitness and the CHS on August 27, 2015 and determined that AusWitness and the CHS continued their discussion regarding the construction of a pressure cooker bomb. AusWitness instructed the CHS to place the bomb near the crowd at the 9/11 memorial event. Listed below are portions of the conversation:

| | |
|---|---|
| *Aug 27, 2015*<br>*AusWitness -* | *08:22*<br>*Be careful, akhi. When you go there to place the bomb, make sure the bomb is VERY well hidden.* |
| *Aug 27, 2015*<br>*CHS -* | *08:22*<br>*It sometimes overheats I want to make sure on the day of I can get there no problems* |
| *Aug 27, 2015*<br>*CHS -* | *08:23*<br>*Yes I'm going to put it in the backpack* |
| *Aug 27, 2015*<br>*CHS -* | *08:23*<br>*Where do you think would be best near the fire fighters or the crowd* |
| *Aug 27, 2015*<br>*AusWitness -* | *08:24*<br>*Good thinking, akhi. Put the backpack near the crowd.* |

| | |
|---|---|
| *Aug 27, 2015*<br>*AusWitness -* | *08:24*<br>*But make sure it's in a place where the kuffar won't think anything of it.* |

33. I reviewed additional communication exchanged between AusWitness and the CHS on August 28, 2015 and determined that AusWitness provided the CHS a list of items to use in the pressure cooker bomb including nails, glass, and metal. AusWitness then instructed the CHS to dip the screws and other shrapnel in rat poison in order to inflict more casualties. As described more fully in paragraph 50, the addition of items such as nails, glass, and metal would increase the lethality of the pressure cooker bomb. Dipping the items in rat poison increases the chances of killing those impacted by the nails, glass, and metal by possibly preventing any resulting wounds from clotting. Listed below are portions of the conversation:

| | |
|---|---|
| *Aug 28, 2015*<br>*CHS -* | *07:49*<br>*Hey I'm going to Walmart after class this afternoon and getting the rest of what I need* |
| *Aug 28, 2015*<br>*CHS -* | *07:49*<br>*The instructions you have me said to put something in the pressure cooker that will act as like a shrapnel* |
| *Aug 28, 2015*<br>*AusWitness -* | *07:50*<br>*Well, he could be telling other mujahideen a bunch of lies about me so they won't trust me.* |
| *Aug 28, 2015*<br>*CHS -* | *07:50*<br>*What do you think for this bro?, What will cause the most damage* |
| *Aug 28, 2015*<br>*AusWitness -* | *07:50*<br>*Hold on, let me ask some mujahideen.* |

| | |
|---|---|
| *Aug 28, 2015*<br>*CHS -* | *07:50*<br>*Jzk* |
| *Aug 28, 2015*<br>*AusWitness -* | *07:58*<br>*Use shards of metal and nails, akhi.* |
| *Aug 28, 2015*<br>*CHS -* | *07:58*<br>*Ok I'll get a bunch of screws and stuff* |
| *Aug 28, 2015*<br>*AusWitness -* | *08:00*<br>*Broken glass would probably work too. Just put as much sharp stuff as you can in there.* |
| *Aug 28, 2015*<br>*CHS -* | *08:00*<br>*Have you made these before? How far away do I have to get to be safe?? I'm thinking of filming and shouting allahu ahkbar right before it goes off* |
| *Aug 28, 2015*<br>*AusWitness -* | *08:02*<br>*I haven't made one before, but I've studied how to make them. Get FAR away from the bomb, brother. There's going to be chaos when it goes off. Shrapnel, blood, and panicking kuffar will be everywhere.* |
| *Aug 28, 2015*<br>*CHS -* | *08:02*<br>*Subhanallah* |
| *Aug 28, 2015*<br>*CHS -* | *08:03*<br>*We will put the video online and the mujahideen will be heroes* |
| *Aug 28, 2015*<br>*AusWitness -* | *08:04*<br>*If you can, dip the screws and other shrapnel in rat poison before putting them in. That way, the kuffar who get hit by them will be more likely to die.* |
| *Aug 28, 2015*<br>*AusWitness -* | *08:04*<br>*Indeed, akhi. The kuffar will speak our names with terror in their voices.* |

34. On or about August 10, 2015, the FBI received information from the Australian Federal Police (AFP) which I reviewed. The AFP advised that on or about

May 21, 2015, Twitter user "Australi Witness," using screen name @AusWitness7 sent a message as listed below:

Brothers, in case the kuffar suspend me again, you can email me at auswitness@yahoo.com.

35. Yahoo! Inc. provided records to the FBI, which I have reviewed. Based on the review, I determined that the Yahoo! Account auswitness@yahoo.com was created on May 9, 2015. The full name for the account was listed as Australi Witness and an alternate email address of maymayposter@gmail.com was provided.

36. Google provided records to the FBI, which I have reviewed. Based on the review, I determined that Google account maymayposter@gmail.com was created on January 4, 2015 from IP address 76.106.245.93 and listed a subscriber name of M.S. The account had been accessed from IP address 76.106.245.93 as recently as June 25, 2015.

37. As noted above, IP address 76.106.245.93 is associated with a Comcast Cable account subscribed to by R. Goldberg at 3119 Pine Rd., Orange Park, Florida 32065.

38. I reviewed research that was conducted on the Clay County Property Appraiser's website on August 24, 2015 which produced a record of ownership for 3119 Pine Rd., Orange Park, Florida 32065 by F. Goldberg, the father of JOSHUA RYNE GOLDBERG, and R. Goldberg.

39. I reviewed the Florida Department of Motor Vehicles Driver and Vehicle Information Database to include photographs of the below listed four individuals which revealed that the following individuals list their residence as 3119 Pine Rd., Orange

Park, Florida 32065: F. Goldberg, R. Goldberg, D.Goldberg, and Joshua Ryne Goldberg.

40. I reviewed communications from FBI employee(s) whom conducted physical surveillance of 3119 Pine Road, Orang Park, Florida 32065 on August 22 and 23, 2015. Based on their observations and descriptions, I determined that F. Goldberg and R. Goldberg were observed at this address. Two male minor children of elementary school age were also observed by FBI employee(s) and are believed to be living at the residence.

41. I communicated with FBI employee(s) regarding attempts to identify JOSHUA RYNE GOLDBERG at 3119 Pine Road. I was advised of the following:

a. Since August 20, 2015 the FBI has been conducting surveillance of the PREMISES.

b. On or about August 24, 2015, FBI employees observed all other persons identified as residing at 3119 Pine Road, except JOSHUA RYNE GOLDBERG, leave the residence. Thereafter, FBI employees observed the shadow of a person moving around the inside of the residence. They also observed a light in the vicinity of the front door turn on. The FBI employees were unable to observe anything beyond the shadow.

c. On August 25, 2015, FBI agents conducted a ruse wherein they pretended to be employees of a fictitious company that conducts surveys on community issues. After ensuring that all occupants of 3119 Pine Road except for JOSHUA RYNE GOLDBERG had left the residence, agents acting as employees of the fictitious company approached the residence's front door. After knocking on the door and ringing the doorbell, no one answered the door.

d. On or about August 27, 2015, FBI employees observed F. G. and R. G. leave 3119 Pine Road. Thereafter, FBI employees observed the shadow of a person moving around the inside of the residence. They also observed a light at the residence turn off. The FBI employees were unable to observe anything beyond the shadow.

e. On or about September 3, 2015, FBI employees observed all residents of 3119 Pine Road except for JOSHUA RYNE GOLDBERG leave the residence. Thereafter, FBI employees observed the shadow of a person moving around the inside of the residence. The FBI employees were unable to observe anything beyond the shadow.

f. On or about September 8, 2015, FBI employees observed all residents of 3119 Pine Road except for JOSHUA RYNE GOLDBERG leave the residence. Thereafter, at approximately 9:00 A.M. FBI employees observed an unknown male exit a van and approach the front door of the residence. Shortly thereafter, FBI employees observed who they believe is JOSHUA RYNE GOLDBERG open the door and talk with the unidentified male. After a brief conversation, the unidentified male accompanied JOSHUA RYNE GOLDBERG into the residence. Shortly thereafter, the unidentified male exited the residence unaccompanied by JOSHUA RYNE GOLDBERG. The unidentified male then talks with someone in the van. A second vehicle parks at 3119 Pine Road and another unidentified male exits his vehicle. Three unidentified males then enter through the front door of the residence and the garage door to the residence opens a short time later. Based on the observations and descriptions of the FBI employee(s) conducting surveillance, it appears the three

unidentified males are involved with a home construction and / or repair project at 3119 Pine Road.

42. I was advised by an FBI employee that between August 26 and 27, 2015, FBI agents in the Tampa Division determined that D.Goldberg, the sister of JOSHUA RYNE GOLDBERG, is a recently enrolled full-time student in the fall semester at a college in south Florida and that law enforcement saw her on the campus on August 27, 2015.

43. I reviewed records provided by Twitter, Inc. to the FBI for Twitter account 3194951334 and determined that Twitter screen name AusSecret with account id 3194951334 continues to log into the account from IP address 76.106.245.93 as of September 1, 2015.

44. On September 4, 2015, the FBI received additional information from the Australian Federal Police (AFP) that referenced a July 2015 interview of an individual who worked in Australia with the initials of L.M. L.M. advised the AFP, in substance and among other things, that L.M. identified the on-line personas of "Australi Witness", "MoonMetroplis", and "IslamicStateAU" as belonging to JOSHUA GOLDBERG, DOB: , at the PREMISES (3119 Pine Road, Orange Park, Florida). L.M. explained that JOSHUA GOLDBERG was an "online troll" and a "proponent of radical free speech." JOSHUA GOLDBERG was responsible for "hoax events" on the internet to include taking over individual's personas on-line. L.M. determined the identity of JOSHUA GOLDBERG through L.M.'s on-line work and by combining parts of information that L.M. found listed on the profiles associated with the various on-line personas. L.M. stated that L.M. had multiple on-line direct communications with personas that L.M. believed were in fact JOSHUA GOLDBERG and provided AFP with



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various screen shots of conversations that purport to be with JOSHUA GOLDBERG. From my review of the information provided to the FBI by the AFP, it does not appear that L.M. provided the AFP with documents relating to the information on the aforementioned profiles that resulted in L.M. identifying JOSHUA GOLDBERG with various on-line personas.

45. In one communication L.M. provided to the AFP, L.M. stated that L.M. was in an Internet Relay Chat (IRC) forum on May 26, 2015. L.M., using the moniker "MoonLeftNut" communicated with "circ-user-BMFVi" whom L.M. believed was JOSHUA GOLDBERG. The conversation, captured in a screenshot and provided by L.M. to the AFP, stated:

> MoonLeft Nut
> Are you not all at concerned by the way that some of these jihardi nutcases might actually kill someone at your behest?
>
> Circ-user-BMFVi
> These guys are pussy keyboard warriors.
>
> MoonLeft Nut
> Probably

Later in the conversation the following dialogue takes place:

> Circ-user-BMFVi
> You knew I was a troll from the start?
>
> MoonLeft Nut
> I was suspect ... I did not know.
>
> Circ-user-BMFVi
> And what led you to me?
>
> MoonLeft Nut
> THE POWER OF MY MIND! Lol You did ... you led me to you.

46. L.M. also explained to the AFP that L.M. observed a conversation in an IRC forum on May 22, 2015. L.M. took a screen shot that purports to capture part of a



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conversation between JOSHUA GOLDBERG, using screen name "circ-user-tneQ7", with an unknown individual using the screen name "@cicada". The conversation captured in the screenshot and provided by L.M. to the AFP stated:

> circ-user-tneQ7
> Shit, It's almost 10. Where is darkmage? We need to troll some kikes. Wait ... you're part of CtrlSec?
>
> @cicada
> "used to be 4"
>
> circ-user-tneQ7
> You're not gonna turn me into the feds for pretending to be ISIS, are you?
>
> @cicada
> so fuck them
> no way man!>:(

47. I am not relying on any of the information provided by L.M. to the AFP for the establishment of probable cause for the issuance of a criminal complaint. Nor am I commenting on the credibility of the information provided by L.M. to the AFP. This information is provided to the Court out of an abundance of caution and the aforementioned information regarding the hoax was not known to the FBI at the beginning of the investigation.

48. I reviewed a FBI Explosive Unit Technical Threat Assessment (assessment). This assessment reviewed the content on the five websites that were sent as internet links from AusSecret to the CHS on August 19, 2015. The assessment determined that all of the "sites or a combination of them could be utilized to construct or make explosives, detonators and IEDs" and that "[t]he guidance offered by the suspect would enable the CHS to gain the knowledge necessary to obtain the materials to manufacture explosives and construct an IED." The assessment stated that "[i]n the

immediate vicinity of a properly constructed and initiated IED the resulting effect would cause property damage, personal injury and/or death."

49. I reviewed records provided by Twitter, Inc. to the FBI for Twitter screen name @AusSecret with account id 3194951334. Based on the review, I determined that the IP for log-ins to this account showed that the account was accessed from IP address 76.106.245.93 nine times between August 24, 2015, and September 1, 2015.

50. As referenced above I determined that IP address 76.106.245.93 is assigned to R. Goldberg at 3119 Pine Rd., Orange Park, Florida 32065, as the subscriber on a Comcast Cable account.

51. I reviewed surveillance reports provided by an FBI surveillance team member, which confirmed that R. Goldberg, Frank Goldberg, and the two young children had already left the residence when Twitter account 3194951334 was accessed on four occasions between August 27, 2015, and September 1, 2015.

52. On September 9, 2015, the Honorable Magistrate Judge James R. Klindt issued a search warrant for the residence located at 3119 Pine Rd, Orange Park, Florida 32065, which warrant is under seal. Upon making entry into the residence, members of the FBI Joint Terrorism Task Force (JTTF) encountered JOSHUA GOLDBERG and he was detained. JTTF Task Force Officer SA William Berry then spoke to JOSHUA GOLDBERG. Prior to any questioning, SA Berry advised JOSHUA GOLDBERG of his constitutional rights. After being advised of his constitutional rights, JOSHUA GOLDBERG voluntarily waived his rights and spoke to law enforcement. Goldberg initially denied any involvement with distributing information on how to manufacture a bomb as part of a plot to detonate a bomb at an upcoming memorial that was commemorating the September 11, 2001 attacks. However, JOSHUA

GOLDBERG stated in substance, and among other things, that he was the individual on Twitter known as "@AusSecret", "@AusWitness", and "Australi Witness". JOSHUA GOLDBERG also stated that he sent out messages on Twitter using these and other on-line personas. JOSHUA GOLDBERG stated that he sent out a message on Twitter calling for an attack on the Muhammad Art Exhibit and Contest in Garland, Texas. JOSHUA GOLDBERG stated that he created and posted the message on the JustPast.it website that is referenced earlier in this affidavit.

53. JOSHUA GOLDBERG stated that he was in contact via recent on-line communications with an individual, who law enforcement knew to be the CHS. In fact, JOSHUA GOLDBERG was in direct communication with the CHS immediately before law enforcement made entry into the residence. JOSHUA GOLDBERG admitted that he provided that individual with information on how to manufacture bombs. JOSHUA GOLDBERG further admitted that he believed the information would create a genuine bomb. Specifically, JOSHUA GOLDBERG stated that he provided the individual with instructions on how to create a pressure cooker bomb. When creating the pressure cooker bomb, JOSHUA GOLDBERG admitted that he instructed the individual to include nails and to dip the nails in rat poison. JOSHUA GOLDBERG also admitted that he instructed the individual to place the bomb at an upcoming memorial in Kansas City, Missouri that was commemorating the September 11, 2001 attacks. JOSHUA GOLDBERG stated that he believed that the individual did intend to create functioning bombs and would actually attempt to use them to kill and injure persons. During the course of the interview, however, JOSHUA GOLDBERG made varying statements in an attempt to explain his actions in providing bomb making information to the individual. In general, JOSHUA GOLDBERG claimed that he intended for the individual to either kill



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himself creating the bomb or, if not, that he intended to alert law enforcement just prior to the individual detonating the bomb, resulting in JOSHUA GOLDBERG to receive credit for stopping the attack.

**CONCLUSION**

54. Based on the facts and circumstances described above, there is probable cause to believe that Joshua Ryne Goldberg (Goldberg) illegally distributed information relating to explosives, destructive devices, and weapons of mass destruction, namely that on or about August 19, 2015 through and including August 28, 2015, in Clay County, in the Middle District of Florida, Goldberg distributed information pertaining to the manufacturing of explosives, destructive devices, or weapons of mass destruction in furtherance of an activity that constitutes a Federal crime of violence by sending to a person five website links for websites that provided instructions that could be utilized to construct or make explosives, destructive devices, or weapons of mass destruction, as part of a plot to explode a bomb on September 13, 2015 at a memorial ceremony in Kansas City, Missouri that commemorates the terrorist attacks of September 11, 2001, in violation of Title 18, United States Code, Section 842(p).

WILLIAM J. BERRY, JR., Special Agent
U.S. Customs and Border Protection

Subscribed and sworn to before me this
10th day of September, 2015 at Jacksonville, Florida.

JAMES R. KLINDT
United States Magistrate Judge